

IN THE HIGH COURT OF UTTARANCHAL AT NAINITAL

**Writ Petition No. 1128 of 2001 (S/B)**  
**(Old No. 4767 of 1988)**

Om Shankar ..... Petitioner

Versus

The State of others ..... Respondents

Mr. B.S. Negi, learned counsel for the petitioner.  
Learned Standing Counsel for the State.

**Hon. P.C. Pant, J.**

This writ petition was moved under Article 226 of the Constitution of India before the Allahabad High Court way back in the year 1988 for mandamus commanding the respondents to treat the petitioner in service.

2) Brief facts of the case are that the petitioner was appointed as sub Deputy Inspector of Schools on ad hoc basis in the year 1986 and thereafter again on similar terms in 1987. Since the order was time bound the petitioner's service stood terminated w.e.f. 05.05.1987 which was challenged by him through this writ petition. By Order dated 22.03.1988 passed by Allahabad High Court in this writ petition, the petitioner continued in service. The said interim order is reproduced as under:

*"Issue notice.*

*The petitioner's appointed shall not be deemed to have come to an end on 05.05.1987 and he shall*

*continue till a regular selected from the Commission joins the post.”*

3) Heard learned counsel for the parties.

4) Learned counsel for the petitioner submits that he is still continuing in service and getting the salary on the post of Sub Deputy Inspector. Learned counsel for the petitioner drew my attention to Rule 4 of The Uttaranchal Regularisation of Ad hoc Appointment (on posts within the purview of the public Service Commission) Rules, 2002 which reads as under:

*“Any person, who,-*

- i) was directly appointed on ad-hoc basis before June 30, 1998 and is continuing in service as such on the date of commencement of these rules;*
- ii) possessed requisite qualification prescribed for regular appointment at the time of ad-hoc appointment; and*
- iii) has completed or as the case may be, after he has completed three years service as such, shall be considered for regular appointment in permanent or temporary vacancy, as may be available, on the basis of his record and suitability before any regular appointment is made in such vacancy in accordance with the relevant rules or order.”*

In view of the above Rules framed under Article 309 of the Constitution of India which have been implemented during the pendency of the writ petition, the petitioner can make a representation for regularization under said Rules.

The writ petition is disposed of with the above observations without expressing any opinion as to the suitability of petitioner's regularization in the service. The representation, if made by the petitioner shall be disposed of within a period of six months.

**(P.C. Pant, J.)**

Dt. 03.08.2004

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